

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**STIPULATED ORDER REGARDING SUMMARY JUDGMENT
BRIEFING**

This Court’s November 15, 2022 Order allows that “each party filing a brief in support and opposition to summary judgment may submit briefs up to 50 pages each.” (Dkt. 1538 at 1.) Fulton County Defendants filed a motion for summary judgment against all Plaintiffs (Dkt. 1571) with brief in support (Dkt. 1573) and a statement of undisputed material facts (Dkt. 1572). State Defendants filed separate motions for summary judgment against the Curling Plaintiffs (Dkt. 1567) and the Coalition Plaintiffs (Dkt. 1568) and one combined statement of undisputed material facts (Dkt. 1569).

The parties have conferred regarding how Plaintiffs can most efficiently respond to Defendants’ filings and jointly agree to the following:

1. Plaintiffs may jointly file (1) a single response to the State Defendants' statement of undisputed material facts, and (2) a single response to Fulton County Defendants' statement of undisputed material facts;
2. Curling Plaintiffs and Coalition Plaintiffs may each file a single combined response to both State Defendants' respective motions for summary judgment and to Fulton County Defendants' motion for summary judgment, with each response not to exceed 80 pages (which is 20 pages fewer than the full 100 pages to which each group is entitled); and,
3. Should Plaintiffs decide to file their own statement of additional material facts, they will endeavor to do so in a single joint filing on behalf of all Plaintiffs.

The parties agree that this approach will increase efficiency for the parties and reduce the burden on the Court by enabling Plaintiffs to file two response briefs instead of four. A single response brief to motions for summary judgment by each plaintiff group will avoid significant duplication that otherwise would be needed to respond to overlapping arguments in the State Defendants' and Fulton County Defendants' respective motions. The proposed 80-page limit per Plaintiffs' group results in the Court receiving no more than 160 pages of briefing

from Plaintiffs collectively, rather than two briefs per Plaintiffs' group of up to 50 pages (or up to 200 pages collectively) under the Court's current order.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, that the Order granting leave to file excess pages (Dkt. 1538) should be amended as follows:

1. Plaintiffs may jointly file (1) a single response to the State's statement of undisputed material facts, and (2) a single response to Fulton County's statement of undisputed material facts;
2. Curling Plaintiffs and Coalition Plaintiffs may each file a single combined response to both State Defendants' respective motions for summary judgment and to Fulton County Defendants' motion for summary judgment, with each response not to exceed 80 pages (which is 20 pages fewer than the full 100 pages to which each group is entitled); and,
3. Plaintiffs may jointly file any statement of additional material facts in response to all pending motions for summary judgment.

IT IS SO ORDERED this _____ day of January, 2023.

U.S. District Court Judge Amy Totenberg

Respectfully submitted this 26th day of January, 2023.

/s/ David D. Cross

David D. Cross (*pro hac vice*)
Mary G. Kaiser (*pro hac vice*)
Hannah R. Elson (*pro hac vice*)
Oluwasegun Joseph (*pro hac vice*)
Wail Jihadi (*pro hac vice*)
Caroline L. Middleton (*pro hac vice*)
Riley Jo Porter (*pro hac vice*)
Sonja N. Swanbeck (*pro hac vice*)
MORRISON & FOERSTER LLP
2100 L Street, NW
Suite 900
Washington, DC 20037
(202) 887-1500

/s/ Halsey G. Knapp, Jr.

Halsey G. Knapp, Jr.
GA Bar No. 425320
Adam M. Sparks
GA Bar No. 341578
Jessica G. Cino
GA Bar No. 577837
KREVOLIN & HORST, LLC
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309
(404) 888-9700

Counsel for Plaintiffs Donna Curling, Donna Price & Jeffrey Schoenberg

/s/ Bruce P. Brown

Bruce P. Brown
Georgia Bar No. 064460
BRUCE P. BROWN LAW LLC
1123 Zonolite Rd. NE
Suite 6
Atlanta, Georgia 30306
(404) 881-0700

/s/ Robert A. McGuire, III

Robert A. McGuire, III
Admitted Pro Hac Vice
(ECF No. 125)
ROBERT MCGUIRE LAW FIRM
113 Cherry St. #86685
Seattle, Washington 98104-2205
(253) 267-8530

/s/ Russell T. Abney

Russell T. Abney
Georgia Bar No. 000875
WATTS GUERRA, LLP
4 Dominion Drive, Building 3
Suite 100
San Antonio, TX 78257
(404) 670-0355

Counsel for Plaintiff Coalition for Good Governance

/s/ Cary Ichter

Cary Ichter
Georgia Bar No. 382515
ICHTER DAVIS LLC
3340 Peachtree Road NE
Suite 1530
Atlanta, Georgia 30326
(404) 869-7600

*Counsel for Plaintiffs William Digges III, Laura Digges,
Ricardo Davis & Megan Missett*

/s/Vincent R. Russo

Vincent R. Russo
Georgia Bar No. 242628
vrusso@robbinsfirm.com
Josh Belinfante
Georgia Bar No. 047399
jbelinfante@robbinsfirm.com
Carey A. Miller
Georgia Bar No. 976240
cmiller@robbinsfirm.com
Alexander Denton
Georgia Bar No. 660632
adenton@robbinsfirm.com
Robbins Ross Alloy Belinfante
Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318
Telephone: (678) 701-9381
Facsimile: (404) 856-3255

Bryan P. Tyson
Georgia Bar No. 515411
btyson@taylorenghish.com
Diane F. LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
Telephone: 678-336-7249

Counsel for State Defendants

/s/ David R. Lowman

David Lowman

Georgia Bar No. 460298

david.lowman@fultoncountyga.gov

Kaye Burwell

Georgia Bar No. 775060

kaye.burwell@fultoncountyga.gov

OFFICE OF THE COUNTY ATTORNEY

141 Pryor Street, S.W.

Suite 4038

Atlanta, Georgia 30303

Counsel for Fulton County Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER , ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2023, a copy of the foregoing
STIPULATED ORDER REGARDING SUMMARY JUDGMENT
BRIEFING was electronically filed with the Clerk of Court using the CM/ECF
system, which will automatically send notification of such filing to all attorneys of
record.

/s/ David D. Cross
David D. Cross